

EXHIBIT A

THE STATE OF TEXAS

207
PSC 9774
2/22/2021

NOTICE TO DEFENDANT: "You have been sued. You may employ an attorney. If you or your attorney do not file a written answer with the clerk who issued this citation by 10:00 a.m. on the Monday next following the expiration of twenty days after you were served this citation and petition, a default judgment may be taken against you. In addition to filing a written answer with the clerk, you may be required to make initial disclosures to the other parties of this suit. These disclosures generally must be made no later than 30 days after you file your answer with the clerk. Find out more at TexasLawHelp.org"

TO: **WALGREENS CO.**, who may be served with process by serving its registered agent **PRENTICE HALL CORPORATION SYSTEM** at **211 E 7TH STREET, SUITE 620, AUSTIN, TX 78701-3218** or wherever he/she may be found

Greetings:

You are hereby commanded to appear by filing a written answer to the **Plaintiff's Original Petition** at or before ten o'clock A.M. of the Monday next after the expiration of twenty days after the date of service of this citation before the Honorable **County Court at Law Number 3**, El Paso County, Texas, at the Court House of said County in El Paso, Texas.

Said Plaintiff's Petition was filed in said court on this the 12th day of February, 2021, by Attorney at Law, **BRETT DUKE**, 6350 ESCONDIDO DR STE A-14 EL PASO TX 79912 in this case numbered **2021DCV0520** on the docket of said court, and styled:

JESUS YANEZ VS. WALGREENS CO.

The nature of Plaintiff's demand is fully shown by a true and correct copy of the **Plaintiff's Original Petition** accompanying this citation and made a part hereof.

The officer executing this writ shall promptly serve the same according to requirements of law, and the mandates thereof, and make due return as the law directs.

Issued and given under my hand and seal of said Court at El Paso, Texas, on this the 16th day of February, 2021

CLERK OF THE COURT

NORMA FAVELA BARCELEAU
District Clerk
El Paso County Courthouse
500 E. San Antonio Ave, RM 103
El Paso, Texas 79901



Attest: NORMA FAVELA BARCELEAU District Clerk
El Paso County, Texas

By Corina Ramirez Deputy
Corina Ramirez

Rule 106: "the citation shall be served by the officer delivering to each defendant in person, a true copy of the citation with the date of delivery endorsed thereon and with a copy of the petition attached thereto."

RETURN

Came on hand on _____ day of _____, 20____, at _____ o'clock ____ M., and executed in _____ County, Texas, by delivering to each of the within-named defendants, in person, a true copy of this Citation, having first endorsed thereon the date of delivery, together with the accompanying true and correct copy of the Plaintiff's Original Petition, at the following times and places, to-wit:

NAME	MONTH	DATE DAY	YEAR	Hour	TIME Min.	M.	Place, and Course and Distance From Court House

And not executed as to the defendant, _____

The diligence used in finding said defendant, being _____

And the cause of failure to execute this process is: _____

And the information received as to the whereabouts of the said defendant, being _____

FEES—SERVING _____ copy _____ \$ _____ Sheriff/Agent

Total _____ \$ _____ by _____ Deputy

CERTIFICATE OF DELIVERY

I do hereby certify that I delivered to _____, on the _____ day of _____, 20____, at _____ o'clock ____ m. this copy of this instrument.

_____, Sheriff/Agent

_____, County, Texas

By _____, Deputy/Agent

SUBSCRIBED AND SWORN TO BEFORE ME ON THE _____ DAY OF _____, 20____.

(SEAL)

_____,
NOTARY PUBLIC, STATE OF TEXAS

El Paso County - County Court at Law 3

Filed 2/12/2021 9:16 AM
Norma Favela Barceleau
District Clerk
El Paso County
2021DCV0520

JESUS YANEZ,

Plaintiff,

v.

WALGREENS CO.,

Defendant.

PLAINTIFF'S ORIGINAL PETITION

Discovery Level

1. Plaintiff intends to conduct discovery under Texas Rule of Civil Procedure 190.4 – Level
- 3.

Parties

2. Plaintiff is a male individual, born in 1967. Plaintiff is an employee as defined by the Texas Labor Code.
3. Defendant Walgreens Co. is a corporation that may be served with process by serving its registered agent Prentice Hall Corporation System, 211 E. 7th Street, Suite 620, Austin, TX 78701-3218. Defendant is an employer as defined by the Texas Labor Code.

Exhaustion of Administrative Procedures

4. Plaintiff complied with all necessary administrative prerequisites. Plaintiff timely filed his Charge of Discrimination. There has been the passage of 180 days after the filing of Plaintiff's Charges of Discrimination. Therefore, Plaintiff complied with all necessary administrative prerequisites.

Jurisdiction and Venue

5. This suit is brought and jurisdiction lies pursuant to Section 21.254 of the Texas Labor Code. This action properly lies in El Paso County, Texas, where the unlawful employment

practices occurred. This is not a legal action against Defendant for Defendant's exercise of the right of free speech, right to petition, or right of association. This is a legal action for discrimination and retaliation in violation of the Texas Labor Code.

Facts

6. In 1999, Defendant hired Plaintiff as an Assistant Manager.
7. Defendant promoted Plaintiff to Assistant Store Manager.
8. For the next 21 years, Defendant employed Plaintiff as an Assistant Store Manager, one of the highest paid Assistant Store Managers, earning more than the younger, new Store Managers.
9. In June 2019, Defendant promoted a new District Manager for the western division of the city that became someone with supervisory authority over Plaintiff. The new District Manager was in his thirties, considerably younger than Plaintiff.
10. Defendant discharged similarly situated older employees older than 40 years old.
11. In May 2020, Defendant discarded equipment. Defendant authorized Plaintiff to take home the equipment.
12. On May 28, 2020, Defendant discharged Plaintiff for taking home the equipment that Defendant previously authorized Plaintiff to take home. Defendant stated Defendant discharged Plaintiff because Plaintiff allegedly put Defendant at risk for liability of a lawsuit for transporting the discarded equipment.
13. Defendant's stated basis for Defendant's discharge of Plaintiff was pretext. First, Defendant authorized Plaintiff's action but then Defendant discharged Plaintiff for performing the very act Defendant authorized. Second, Defendant allowed younger employees to take home discarded equipment. Defendant did not discharge younger employees that Defendant authorized to take equipment home. Third, Defendant failed to provide Plaintiff with any paperwork about

the discharge. Fourth, Defendant failed to follow its own policies in the discharge of Plaintiff.

The real reason Defendant discharged Plaintiff was motivated by Plaintiff's age.

14. Defendant replaced Plaintiff with someone younger, in her thirties.

Count I.

Discrimination because of Age

15. As detailed above, Defendant committed unlawful employment practices because Defendant intentionally discriminated against Plaintiff because of his age. Defendant violated section 21.051 of the Texas Labor Code.

16. Plaintiff was a member of the protected class, over 40, qualified for his employment position, proved by his 21 years of employment, terminated by his employer, and replaced by someone younger, outside of the protected class. Defendant's stated reason to discharge Plaintiff was pretextual.

Damages

17. As a direct and proximate result of the Defendant's discrimination, Plaintiff has been damaged in the form of lost wages and benefits in the past and future and compensatory damages in the past and future, which include emotional pain and suffering, inconvenience, mental anguish, loss of enjoyment of life, and other noneconomic losses. The harm to Plaintiff resulted from Defendant's actual malice. Defendant discriminated against Plaintiff with actual malice, ill will, spite, evil motive, or purpose to injure Plaintiff. Plaintiff seeks punitive damages for Defendant's violations of his rights. Plaintiff seeks punitive damages against Defendant in an amount to be determined by the jury.

18. Pursuant to Texas Rule of Civil Procedure 47(c)(1), Defendant has damaged Plaintiff in an amount within the jurisdictional limits of this Court and Plaintiff states that Plaintiff seeks monetary relief over \$1,000,000 for all the other relief to which Plaintiff deems himself entitled.

This statement is made solely to comply with Texas Rule of Civil Procedure 47 and not for argument to the jury. The monetary relief actually awarded will ultimately be determined by the jury.

Attorney Fees, Court Costs, and Expert Fees

19. Plaintiff is entitled to attorney fees, costs of court, and expert fees pursuant to the Texas Labor Code.

Conditions Precedent

20. All conditions precedent have been performed or have occurred.

Jury Demand

21. Trial by jury is demanded and the applicable fee is paid.

Prayer

22. For these reasons, Plaintiff asks that Defendant to be cited to appear and answer, and, on final trial, that Plaintiff have judgment against Defendant, for a sum within the jurisdictional limits of this Court, for the following:

- a. general damages;
- b. special damages;
- c. punitive damages;
- d. prejudgment interest as provided by law;
- e. postjudgment interest as provided by law;
- f. attorney fees, expert fees, court costs and all costs of suit; and
- g. such other and further relief at law and equity to which Plaintiff may be justly entitled.

Respectfully submitted,

LAW OFFICE OF BRETT DUKE, P.C.

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El Paso, Texas 79912

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/s/ Brett Duke

Brett Duke

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